

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 2:10 CR 9
)	
)	
THOMAS WENZEL,)	
Defendant.)	

ACCEPTANCE OF PLEA OF GUILTY,
ADJUDICATION OF GUILTY AND
NOTICE OF SENTENCING

Pursuant to the Report and Recommendation of the United States Magistrate Judge, to which the defendant has waived objection, and subject to this Court's consideration of the Plea Agreement pursuant to Fed. R. Crim. P. 11(c)(3), the plea of guilty of the offense charged in Count 1 of the Indictment is hereby accepted, and the defendant is adjudged guilty of such offense. The defendant and his counsel shall appear before the undersigned for sentencing on Wednesday, December 29, 2010, at 10:00 a.m.

Defense counsel is **directed** to confer with the probation officer to schedule an appointment in order to confer regarding defendant's sentence, including the advisory guidelines sentencing range and § 3553(a) sentencing factors. Federal Rule of Criminal Procedure 32 and this Court's General Order 2001-1 require that within 14 days following receipt of the pre-sentence report counsel communicate in writing with the probation officer and opposing counsel any objections as to any material information, criminal history,

sentencing classification, guidelines sentencing range, and policy statements contained in or omitted from the pre-sentence report.

Importantly, the court advises that failure to object to the probation officer's conclusions regarding the applicability of § 3553(a) factors may be considered as an admission that defendant has no objections to that section of the pre-sentence report. Also, if there are no objections to the contents of the pre-sentence report, defendant must submit to the probation officer and opposing counsel a written acknowledgment of having no objections.

Not less than seven (7) days before the sentencing hearing, the defendant and the government shall both submit sentencing memoranda which may contain requests for any particular sentence that is reasonable, including any government request for a lower sentence pursuant to §5K1.1 of the Guidelines Manual and/or Title 18 U.S.C. §3553(e)], and also any and all other matters or circumstances thought relevant to determining an appropriate sentence for the defendant. These filings are mandatory because they are helpful to the court in determining an appropriate sentence for the defendant and also because they eliminate any surprises at the sentencing hearing.

IT IS SO ORDERED this 22nd day of October, 2010.

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT